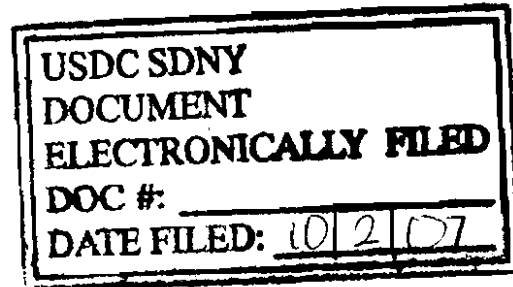


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEW YORK HELICOPTER CHARTER INC.,
and MICHAEL ROTH, individually,

Plaintiffs,

v.

AIR PEGASUS HELIPORT, INC.,
HUDSON RIVER PARK TRUST, and
FEDERAL AVIATION ADMINISTRATION

Defendants.
-----X

STIPULATION AND NOTICE
OF DISMISSAL OF COMPLAINT
AS AGAINST THE FEDERAL
AVIATION ADMINISTRATION

07 Civ. 4069 (MGC)

WHEREAS, the complaint in the above-referenced action does not allege that the Federal Aviation Administration ("FAA") injured plaintiffs;

WHEREAS, the complaint does not seek any relief as against the FAA;

WHEREAS, the Government has not served an answer or a motion for summary judgment;

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs New York Helicopter Charter Inc. and Michael Roth individually, and defendant FAA, by their respective counsel, that the above-entitled action (the "Action"), shall be resolved as against the FAA as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1), this Action is hereby dismissed as against the FAA without prejudice and without interest, costs, attorneys' fees or disbursements to

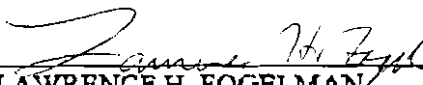
either plaintiffs or the FAA.

2. Plaintiffs and the FAA understand and agree that this Stipulation contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
~~September~~ 1, 2007
October

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
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Dated: New York, New York
September 28, 2007

HANTMAN & ASSOCIATES
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By:


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So ordered.
October 2, 2007

 S/
United States District Judge
- 2 -

TOTAL P.03